IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 11TH JANUARY 2007 / 21ST PAUSHA 1928

WP(C).No. 10969 of 2005(E)

PETITIONER:

ANNAKUTTY JOSEPH, PLAVUNILKKUNNATHIL,
KALIKAVU, PAKALOMATTOM P.O, KURAVILANGADU,
KOTTAYAM DISTRICT.

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENTS:

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1. KIDANGOOR RURAL HOUSING CO-OPERATIVE
SOCIETY LTD., KIDANGOOR P.O., KOTTAYAM DIST.,
REPRESENTED BY ITS SECRETARY.

2. INSPECTOR OF CO-OPERATIVE SOCIETIES,
(ARBITRATION AND EXECUTION)
MEENACHIL, PALAI.

BY SENIOR GOVT. PLEADER SRI.P.K.RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1 True copy of the notice dated 19.2.2005 issued by the second respondent to the petitioner.

Ext.P2 True copy of the application dated 17.3.2005 to the first respondent by the petitioner.

//true copy//

P.S. to Judge.

J.M. JAMES, J.

W.P.(C) No.10969 of 2005

Dated this the 11th January, 2007.

J U D G M E N T

The writ petitioner has failed to pay the amount due to the first respondent Society. Therefore, proceedings were initiated against the writ petitioner, including public auction of the property of the writ petitioner. This writ petition was filed on 31.3.2006. The confirmation of sale was deferred for a month, on condition that the petitioner pays an amount of Rs.25,000/= within two weeks from the date of the order, 1.4.2005. But nothing is submitted thereafter by the writ petitioner.

2. The learned Government pleader submits that a representation has been given by the petitioner, as could be seen from Ext.P2, dated 17.3.2005, for getting the correct calculation of the amount, and for allowing the instalment facilities.

3. There was no representation, when the matter was taken on 12.12.2006. Hence, it was adjourned to 19/12/2006, 21.12.2006, and thereafter to today, for disposal.

4. Today when the matter is taken up, there is no representation for the writ petitioner.

5. After going through the facts that are available on record, I direct the writ petitioner to file a fresh representation before the first respondent, within ten days from today, requesting for an one time settlement facility. On receipt of such representation, the first respondent shall hear the writ petitioner and fix the amount due from her. A statement of accounts containing the amount of loan, the interest that accrued, the amount remitted, if any, and the balance amount due from the writ petitioner to the first respondent, shall be supplied to her. The facilities available under the one time settlement scheme shall also be extended to the petitioner, as per Circular No. 59/2006, dated 30.11.2006. In any case, the disposal of the representation shall be done within three weeks from the date of receipt of such representation.

6. There shall be no coercive action against the writ petitioner, till the disposal of the request for one time settlement.

The writ petition is disposed of as above.

J.M. JAMES,
JUDGE

nj.